

Ottawa, ON
March 2, 2005

GROUPS CALL FOR PRIVACY BREACH DISCLOSURE LAW

A recently disclosed privacy breach at giant US-based information broker [Choicepoint](#) points out the need for a new law in Canada to help protect potential victims of identity theft, say consumer and privacy advocates.

Choicepoint is the largest of a number of data brokers that specialize in collecting personal information about individuals and selling it to businesses and governments for marketing, background checks, and other purposes. Choicepoint's 19 billion public and private records are organized into detailed digital dossiers on millions of individuals and made available to a wide array of clients including insurance agencies, employee screeners, direct marketers, media outlets, and law enforcement agencies.

Last week, it came to light that Choicepoint had been duped into giving criminals access to its massive database of personal information. Apparently, thieves posing as legitimate businesses opened up several accounts with Choicepoint and received detailed information including names, addresses, Social Security numbers, and credit reports, about at least 145,000 Americans.

"This disaster was waiting to happen", said Philippa Lawson, Executive Director of the Canadian Internet Policy and Public Interest Clinic (CIPPIC) at the University of Ottawa. "You can't allow such unconstrained collection, use and disclosure of personal information in the marketplace and expect that everything will be fine. The bigger and richer the databases, the more attractive they will be to identity thieves. And as more personal information is amassed and traded in the marketplace, more people who will be harmed by decisions based on incorrect or misinterpreted information."

Choicepoint's website does not indicate the extent to which it deals with data on Canadians, and attempts to find this out by calling the company were fruitless.

Lawson points out that there are many other data brokers dealing with our personal information, whose identity and practices we are largely unaware of. "While the situation is better in Canada because of our privacy laws that restrict business's right to collect, use and disclose our personal information, we are still vulnerable, in large part because we simply don't know when our information is made vulnerable to identity theft", she said.

The Choicepoint privacy breach was originally disclosed to over 34,000 Californians whose data had been exposed. California law requires that companies notify individuals when a security breach exposes their data. But the other 110,000 US citizens affected by the breach were only notified after public outcry pressured Choicepoint to do so.

That's why CIPPIC and the Public Interest Advocacy Centre (PIAC) are calling on the Canadian government to enact legislation requiring businesses in this country to notify individuals when their personal data is exposed to unauthorized access. "This is a clear instance where market forces do not suffice", said John Lawford, Counsel for PIAC. "No company is going to disclose security breaches that might otherwise go undetected unless they are required to do so. It's too

damaging to their public image. We're never going to know when our personal information is at risk unless companies and government are required to report privacy breaches, as in California."

"We've been calling for a rule such as that in California for a while now", said Lawson. "This case is a perfect illustration of why such a law is needed."

- 30 -

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